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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,355

03/19/2004

Vincent W. Lau

CS24539RA

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20280 7590 06/24/2009

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EXAMINER

DAFTUAR, SAKET K

ART UNIT

PAPER NUMBER

2451

NOTIFICATION DATE

DELIVERY MODE

06/24/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/804,355	<b>Applicant(s)</b> LAU ET AL.	
	<b>Examiner</b> SAKET K. DAFTUAR	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 29<sup>th</sup>, 2009 has been entered. Claims 17-31 are presented for the further examination.

***Response to Arguments***

2. Applicant's arguments filed April 29<sup>th</sup>, 2009 have been fully considered but they are not persuasive.

a. Feiertag fail to disclose the data server receiving the time-to-live (TTL) from any type of remote device as required by claims 17 and 27 and argues that the data server does not receive any type of TTL. It appears that applicant main argument is that Feiertag fail to disclose receiving the time-to-live (TTL) from any type of remote device.

In response to applicant argument a), Feiertag does discloses receiving the time-to-live (TTL) from any type of remote device. To support the above arguments, examiner considers figure 1A where Feiertag discloses the network system structure that includes a plurality of servers such data object servers that comprises application server, database server, web server, and dynamic application caching servers. Column 2, lines 46-54 of Feiertag discloses "receiving, at a cache server [application caching servers block 106, figure 1A], a

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request for a data object stored in data object server [database server, block 114, figure 1A]. The method includes determining whether a time-to-live period associated with a copy of the data object stored in the cache server has expired [examiner considers there are evidence that time-to-live period are associated with a copy of the data object stored in the cache server]. The time to live period is based on a hit rate, a change rate, and freshness for the data objects”

Further in column 3, lines 5-15, Feiertag discloses “an apparatus comprises a database to store a copy of data object from a data object server and to associate a time-to-live period with the copy of the data object. The apparatus also includes an inline cache server coupled to data object server. The inline cache server processes requests for data objects destined for the data object server.” Therefore, applicant arguments are not persuasive as Feiertag clearly discloses the receiving the time-to-live (TTL) from any type of [remote] device such as cache server remotely coupled to data object server. Therefore, applicant arguments are not persuasive and therefore, the rejection is maintained.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-21 and 27-31 are rejected under 35 U.S.C. 101 because claims are not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C.

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101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method including steps of “receiving a media content item..., receiving an identifier and a second TTL..., identifying the media content item..., and replacing the first TTL with the second TTL” are broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 17-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Feiertag et al. US Patent Number 6,772,203 B1 (hereinafter Feiertag).

As per claim 17, Feiertag discloses providing a first media content item (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35) and a first time-to-live (TTL) (see Figure 3, see column 2, line 46 - column 3, line 15 and column 5, lines 23-58 column 8, lines 2-35, column 9,

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lines 1-35) associated with the first media content item to a remote device (see column 6, line 37 - column 7, line 21 ); identifying a second media content item (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35) associated with the first media content item (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); determining a second TTL based (column 12, line 8 – column 13, line 15) on the first media content item (see figures 3 and 6, see column 2, line 46 - column 3, line 15 and column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); and providing the second [updated TTL] TTL to the remote device to replace the first TTL (see figure 1A, see column 2, lines 46-54 column 3, lines 5-15, see column 6, line 37 - column 7, line 21, column 8, lines 2-35, column 9, lines 1-35).

As per claim 18, Feiertag discloses the method of claim 17, further comprising providing the second media content item and the second TTL to the remote device (column 12, line 8 – column 13, line 15).

As per claim 19, Feiertag discloses the method of claim 17, wherein identifying a second media content item associated with the first media content item (column 1, lines 19-53, column 2, line 45 – column 3, line 35) includes determining the first and second media content items are similar types of media content (column 12, line 8 – column 13, line 15).

As per claim 20, Feiertag discloses the method of claim 17, further comprising determining whether the first media content item is still active (column 12, line 8 – column 13, line 15).

As per claim 21, Feiertag discloses the method of claim 17, further comprising identifying media content items to be provided to the remote device before providing the first media content item and the first TTL to the remote device column 12, line 8 – column 13, line 15).

As per claim 22, Feiertag discloses a transceiver configured to provide a first media content item and a first time-to-live (TTL) associated with the first media content item to the remote device (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35); and a processor configured to identify a second media content item associated with the first media content item, and to determine a second TTL based on the first media content item (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15), wherein the transceiver provides the second [updated TTL] TTL to the remote device to replace the first TTL (see figure 1A, see column 2, lines 46-54 column 3, lines 5-15, see column 6, line 37 - column 7, line 21, column 8, lines 2-35, column 9, lines 1-35).

As per claims 23-26 and 28-31, they do not teach or further define over the limitation as recited in claims 18-21, Feiertag discloses therefore, claims 23-26 and 28-31 are rejected under same scope as discussed in claims 18-21.

As per claim 27, Feiertag discloses receiving a media content item and a first time-to-live (TTL) associated with the media content item from a remote device (static and dynamic web contents, column 1, lines 19-53, column 2, line 45 – column 3, line 35); and receiving an identifier and a second TTL associated with the media content item from the remote device (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); identifying the media content item based on the identifier (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15); and replacing the first TTL with the the second TTL (see figures 3 and 6, column 5, lines 23-58 column 8, lines 2-35, column 9, lines 1-35, column 12, line 8 – column 13, line 15).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

b. Packet Messaging Method and Apparatus by Powers et al. US Patent Number 7,310,339 B1.

c. Automatic Setting of Time-To-Live Fields for Packets in an AD HOC Network by Elliot et al. US Patent Number 6,985,476 B1.

7. A shortened statutory period for reply to this non-final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).



***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./

Examiner, Art Unit 2451

/Hassan Phillips/

Primary Examiner, Art Unit 2451